

CITY OF HAWTHORNE



4455 West 126th Street • Hawthorne, California 90250-4482

August 4, 2004

Board of Supervisors
Ms. Violet Varona-Lukens, Executive Officer
Room 383 Kenneth Hahn Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012

Dear Ms. Varona-Lukens:

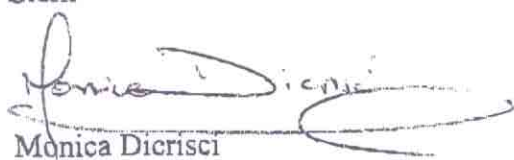
Enclosed please find a certified copy of City of Hawthorne Resolution No. 6900, calling and giving notice of a Special Municipal Election to be held in the City of Hawthorne on Tuesday, November 2, 2004, and requesting consolidation of said election, adopted by the Hawthorne City Council at their special meeting of August 3, 2004.

The City of Hawthorne has respectfully requested that the Board of Supervisors of the County of Los Angeles permit the Registrar-Recorder's Department to tender any assistance, records or election equipment it deems necessary, according to state and federal law, for the conduct of said election.

The City will reimburse the County for services performed when the election is completed and upon presentation to the City of a properly approved bill.

Yours in public service,

DANIEL D. JUAREZ, MMC
City Clerk


BY: Monica Dicisci
Deputy City Clerk

MD
Encls

RESOLUTION NO. 6900

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE THAT WOULD PROHIBIT THE SALE, USE OR DISCHARGE OF FIREWORKS WITHIN CITY LIMITS AND ESTABLISHING CERTAIN ELECTION PROCEDURES FOR THE CONDUCT THEREOF AND REQUEST THAT THE BOARD OF SUPERVISORS ISSUE INSTRUCTIONS TO THE REGISTRAR-RECORDER TO TAKE ANY AND ALL STEPS NECESSARY FOR THE HOLDING OF THE CONSOLIDATED ELECTION.

WHEREAS, under the provisions of the laws relating to General Law cities in the State of California, a special municipal election shall be held on an established regulation election date. [Elections Code § 1003]. The next established regular election date is November 2, 2004; and ,

WHEREAS, it is desirable that said special municipal election be consolidated with the Statewide General Election to be conducted by the Los Angeles County Registrar-Recorder on the same date and that within said City the precincts, polling places, time and manner of voting on State, County, federal and local issues be the same, and that the Registrar-Recorder of the County of Los Angeles canvass the returns of the special municipal election, and that said Statewide General election and special municipal election be held in all respects as if there were only one election.

WHEREAS, pursuant to its right, power and authority under California Elections Code Section 9220, the City Council of the City of Hawthorne desires to submit to the voters of Hawthorne a measure regarding whether to ban the sale, use or discharge of fireworks of any kind within the City of Hawthorne city limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there hereby is called and ordered, held in the City of Hawthorne, California, on Tuesday, November 2, 2004, a

special municipal election of the qualified electors of the City for the purpose of submitting a measure to the electors in the City of Hawthorne; and

SECTION 2. That the City Council of the City of Hawthorne, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following measure:

Shall an ordinance be adopted to make it unlawful to sell, use or discharge fireworks of any kind within the City of Hawthorne?

YES _____ NO _____

SECTION 3. That the full text of the ordinance to be submitted to the voters is attached as Exhibit A.

SECTION 4. That the Los Angeles County Board of Supervisors is hereby requested, pursuant to Elections Code Section 10403, to consent to the consolidation of the special municipal election to be held throughout the State on November 2, 2004.

SECTION 5. The Registrar-Recorder is hereby authorized to canvass the returns of the special municipal election and the said election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 6. That the Board of Supervisors is hereby requested to issue instructions to the Registrar-Recorder to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Hawthorne recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any cost promptly upon receipt of appropriate invoices and documentation.

SECTION 8. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official documents, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 9. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from said time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

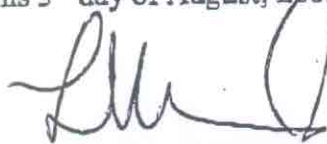
SECTION 10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of election, in time, form and manner required by law. In consultation with the Los Angeles County Registrar-Recorder, the City Clerk shall establish and give notice of deadlines for the filing of written arguments for and/or against the measure, according to applicable law. The City Clerk shall transmit a copy of the measure to the City Attorney for the preparation of an impartial analysis to be printed in the sample ballot materials.

SECTION 12. That the City Clerk is hereby directed to file a certified copy of this resolution forthwith with the Los Angeles County Board of Supervisors and the County Election Department.

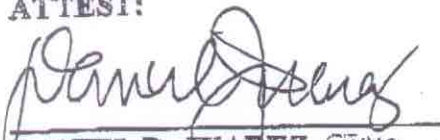
SECTION 13. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and adopted this 3rd day of August, 2004.

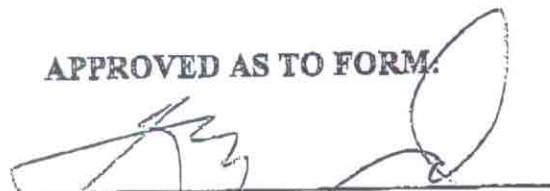


LARRY GUIDI, MAYOR
City of Hawthorne, California

ATTEST:


DANIEL D. JUAREZ, MMC
City Clerk

APPROVED AS TO FORM.


GLEN SHISHIDO
City Attorney

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING SECTIONS 8.34.010, 8.34.020, 8.34.030, 8.34.040 and 8.34.050 OF THE HAWTHORNE MUNICIPAL CODE AND REPEALING SECTIONS 8.32.060(D), 8.34.060, 8.34.070, 8.34.080, 8.34.090, 8.34.100, 8.34.110, 8.34.120, 8.34.130, 8.34.140, 8.34.150, 8.34.160, 8.34.170, 8.34.180, 8.34.190, 8.34.200, 8.34.210 AND 8.34.220 OF THE HAWTHORNE MUNICIPAL CODE TO PROHIBIT THE SALE, USE OR DISCHARGE OF FIREWORKS OF ANY KIND WITHIN THE CITY.

The City Council of the City of Hawthorne, California, does hereby ordain as follows:

SECTION 1. Section 8.34.010 is hereby amended as follows:

8.34.010 Definitions

The following words and phrases, as used in this chapter, are defined as follows:

1. "Fireworks" means and includes any combustible explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term *Fireworks* shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes or toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.
2. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

SECTION 2. Section 8.34.020 is hereby amended as follows:

8.34.020 Prohibition On the Sale, Use and Discharge of Fireworks

- (A) It is unlawful for any person to sell, use or discharge fireworks of any kind within the City.

SECTION 3. Section 8.34.030 is hereby amended as follows:

8.34.030 Seizure of authorized fireworks

Any duly authorized member of the Los Angeles County Fire Department shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks, offered, displayed, stored, or held in violation of this Chapter.

SECTION 4. Section 8.34.040 is hereby amended as follows:

8.34.040 Exceptions to provisions of this chapter

- A. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics, civic or sports, or for use by military organizations.
- B. Nothing in this chapter shall be construed to prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas or when such use and display in a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use such fireworks as required by state and local regulations.

SECTION 5. Section 8.34.050 is hereby amended as follows:

8.34.050 Supervision of minors

It is unlawful for any person having the care, custody, or control of a minor under eighteen years of age to permit such minor to discharge, explode, fire or set off fireworks of any kind with the City.

SECTION 6. Section 8.32.060(D) is hereby repealed in its entirety.

SECTION 7. Sections 8.34.060, 8.34.070, 8.34.080, 8.34.090, 8.34.100, 8.34.110, 8.34.120, 8.34.130, 8.34.140, 8.34.150, 8.34.160, 8.34.170, 8.34.180, 8.34.190, 8.34.200, 8.34.210 and 8.34.220 are hereby repealed in their entirety.

SECTION 8. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

SECTION 9. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause same to be published once in a newspaper of general circulation, published and circulated in the City of Hawthorne, or if there is none, she shall cause it to be posted in at least three public places in the City of Hawthorne.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2004.

LARRY M. GUIDI, Mayor
City of Hawthorne, California

ATTEST:

DANIEL D. JUAREZ, City Clerk/MMC
City of Hawthorne, California

APPROVED AS TO FORM:

GLEN E. SHISHIDO, City Attorney
City of Hawthorne, California